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ABSTRACT

Effective policemen need to have as much knowledge as possible about society; they need to be fair, like the criminal justice system they represent. Society cannot be protected unless there is full accordance with the law. Questions of concern are whether the poor man or the black man are receiving the same treatment as the rich or influential man. "Fairness is most needed when it is in short supply, when a problem assumes such proportions that nearly everyone is ready to go beyond the law to solve it." Past examples of this are the relocation of Japanese-Americans after Pearl Harbor and the threats of foreign espionage and Communist subversion after World War II. A more recent example are the intelligence/investigative programs that develop tactics of disruption; national security can be protected without such practices. Ways are needed to enforce laws without violating standards of decency and fairness. All of us with criminal justice responsibilities need to examine and reexamine every aspect of our work for both legality and fairness. Our measure should be fairness, justice, and effectiveness. (EA)

Department of Justice

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ADDRESS

BY

THE HONORABLE WILLIAM B. SAXBE
ATTORNEY GENERAL OF THE UNITED STATES

AT

THE 97th SESSION
GRADUATION EXERCISES

OF THE

FBI NATIONAL ACADEMY

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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10:30 A.M.
THURSDAY, JUNE 20, 1974
QUANTICO, VIRGINIA

It is a privilege for me to be here today and to join in the congratulations as you graduate from the FBI National Academy.

The rigorous 12-week course you have completed is designed to help you function more effectively in our criminal justice system.

Being a good policeman has never been an easy job. But today, the tasks seem to grow more and more complex on almost a weekly basis.

The curriculum here at the FBI Academy reflects these new complexities of our society. You have undergone 250 hours of instruction in academic subjects, compared to about 100 hours of instruction in so-called vocational subjects.

There was probably a time when most policemen looked upon academic subjects as merely frills. Those who hold that view today are a steadily shrinking minority.

Law enforcement today has exacting recruiting qualifications, higher standards of training, and a greater pride to do the best possible job.

To my mind, our Nation owes a tremendous debt of gratitude to the consistently high-level performance of local law enforcement.

You can be truly proud of your profession. You are doing a good job, often amid trying circumstances. You

stand in the front lines protecting the rights, lives and property of Americans against the evildoer.

Your training here at the FBI Academy has better equipped you to handle the many responsibilities of being an officer of the law in our free society.

I can give assurance my years of service as Attorney General will continue to be dedicated to the realization of a more effective criminal justice system.

As chief administrator of the Law Enforcement Assistance Administration, I will continue to promote programs to increase the capabilities and efficiency of law enforcement agencies -- and not just those programs which permit the purchase of police equipment for which there is only infrequent use.

It is important to avoid the unnecessary acquisition of oppressive-type equipment which, besides being infrequently used, gives the police an unfavorable image of being oppressors of the rights of our citizens.

I thoroughly believe that law enforcement can protect both the rights of the individual and the rights of society.

I believe your profession can continue to grow in efficiency and effectiveness and at the same time continue to be responsive to the needs of the citizens it is privileged to serve.

Since police responsibilities touch almost every part of our society, the men and women who enforce the law must know as much as possible about that society in order to function effectively.

And as important as knowledge is for our policemen, it, in itself, is not enough. In order to be truly effective, the policeman, like the criminal justice system he represents, must also be fair.

Not just a little fair or fair only some of the time. The policeman has to be totally fair -- and all of the time.

That may seem like a lot to ask of men and women who are asked daily to accept abuse, assault, and even ambush as part of their schedule, and it is. But it is no more than we should ask of everyone else in the criminal justice system -- whether they be prosecutors, judges, or corrections specialists.

The basic job of the criminal justice system is the protection of society. That function cannot be carried out, however, unless it is also done in full accord with the law.

We all walk a razor's edge, both as individuals and as a society. What keeps us from straying into tyranny, however, is our adherence to decency and fairness -- our devotion to the law.

There is not one chance in a million that we can build a better society, and enhance respect for our system of laws, if we resort to illegal means to deal with illegality.

The rubber hose may no longer be in vogue, but it has its replacements. And in more instances than we should allow, these are just as insidious, though much more subtle.

All of us should ask ourselves whether the poor man or the black man receive the same treatment at the bar of justice as does the rich or influential man, whose power and position all too often seem to set him apart from his fellow citizens.

And all of us -- policemen, prosecutors and judges, must strive to make sure that we do nothing that is either illegal or unethical as we go about enforcing the Nation's laws.

It is not a reassuring spectacle to see one man sentenced to years of hard labor for a $100 theft while another man involved in a conspiracy to steal our freedoms is in and out of jail in the wink of an eye.

I am not suggesting that the thief should not go to jail. He should -- and so should the man who is convicted of failing in his public trust.

There are no short-cuts to morality, to this business of being fair. Every time we turn around, expediency beckons us as did the sirens in Ulysses' voyage.

Fairness is most needed when it is in short supply, when a problem assumes such proportions that nearly everyone is ready to go beyond the law to solve it.

One such crisis occurred in the somber days following the Japanese attack on Pearl Harbor. For those of us old enough to remember, it was a bleak and tragic time 33 years ago. Much of our Pacific fleet and air force had been destroyed. Japanese armies were advancing almost at will. And there were fears that an invasion of the West Coast was imminent.

The Federal government then made a decision that is perhaps understandable, even after the passage of all these years, but at the same time impossible to condone. About 120,000 Japanese-Americans were ordered to be moved from the West Coast to relocation centers in the interior of our country.

A number of men who have since been proclaimed as great civil libertarians supported the relocation of the Japanese-Americans. But a man who, through much of his life suffered the scorn of civil libertarians, opposed the relocation program. His name was J. Edgar Hoover.

A number of published accounts have maintained that Hoover was the only high official of the Federal government to speak out against the mass uprooting of those American

citizens. And in a book called "The FBI Story," Don Whitehead quotes from a memorandum Mr. Hoover sent to Attorney General Francis Biddle:

"The necessity for mass evacuation is based primarily upon public and political pressure rather than on factual data. Public hysteria and, in some instances, the comments of the press and radio announcers, have resulted in a tremendous amount of pressure being brought . . ."

Other crises enveloped the Nation after World War II -- including the twin threats of foreign espionage and Communist subversion. There is ample evidence to show that those threats were real enough, but the means chosen to cope with them were sometimes inappropriate and on occasion beyond the scope of our legal system.

Not every extraordinary action by the government is a relic of the past. Some of them are of more recent vintage, including one that I want briefly to discuss with you today.

A series of programs, whose origins can be traced back to 1961, were set up by the FBI to gather information on certain groups. One particular facet of the program began in 1968 after we became increasingly concerned over the New Left and the potential threat of even more widespread violence.

Among enforcement agencies, there is a great need for proper intelligence programs and for proper investigative programs. The goal, of course, is to determine whether criminal statutes have been violated.

In the particular operations to which I refer, however, additional facets were added. Memoranda released last year by the FBI show that the program also sought to "expose, disrupt, misdirect, discredit, or otherwise neutralize" a number of organizations and their members.

Among the various activities called for were leaks of detrimental information as well as efforts to spread dissension through partially false and entirely fabricated documents.

Now it should be recognized that these are typical military intelligence-type activities. It also should be stressed that the FBI did not set up such efforts out of whim or caprice but rather from its real and deep concern for the Nation's security.

But I believe we have to clearly define the elements of the programs. We can all agree, I am certain, that intelligence material is vital for the protection of the Nation and its citizens. The concern arises when a program goes beyond intelligence-gathering and develops tactics of disruption.

But are disruptive tactics something that should occur in the Department of Justice -- without the knowledge of the Attorney General? I think not.

Are disruptive tactics something that should occur in the Department of Justice -- even with the Attorney General's knowledge? Again, I think not.

The national security can be protected without resorting to such practices.

When you return to your various police departments, I hope you will take the word with you and pass it along that the dirty tricks are over -- not only in campaign tactics, but in law enforcement as well. The public is demanding that we find ways to enforce the laws that do not violate standards of decency and fairness.

A country develops laws originally for the purpose of maintaining order. As it progresses, its laws are for the protection of order and liberty. And in a really sophisticated and developed society, the laws are for the protection of order, preservation of liberty, and also to develop fairness and decency. And I think that we have reached that point in our history.

Director Kelley and I are in total agreement that the Department of Justice will not allow nor will the FBI carry out any improper activities.

As long as I am Attorney General, the Department will operate within our legal system. It also will conform to what I believe all men of goodwill understand our system of ethics and morality to be. If we err, the mistakes will be corrected as soon as they are discovered. But I can assure you that there will be no conscious exceptions.

Faced with sobering examples from the recent past, I am confident that future Attorneys General and future directors of the FBI will work diligently to prevent improprieties from becoming part of official policy.

My point in discussing certain FBI programs is not to criticize a man who is no longer here to defend himself. J. Edgar Hoover had a long and notable career in the Federal service and left as his legacy the greatest investigative agency in the world. I will leave attempts to make ultimate judgments to others who are more confortable in that field. The purpose of my remarks is to stress that all of us with criminal justice responsibilities must continually examine and re-examine every aspect of our work to make certain it is fair -- as well as legal.

There is no person who should be immune from criticism and no practice that should be shielded from healthy skepticism. Those who would like to march to a dictator's

drum will find themselves walking into an abyss -- and if their followers are large enough, the country will go with them.

I hope and fully expect that my actions as Attorney General will be vigorously examined, and I should add that I have found no reluctance on the part of the media to do that. And not only examined today, but by my successors as well. If they don't like what they find, I hope they will say so and offer what they feel are more appropriate ways in carrying out the Department's responsibilities.

Our yardsticks should be fairness, justice, and effectiveness. They are not mutually exclusive. In fact, if any one is missing, the others are diluted.

The point of our work is to help fashion a better society for all of our people, and enhance the quality of their lives.

Unfortunately, by the best available data, we're not doing a good enough job. My view is that crime and disorder can be reduced -- but the hunters cannot assume the morals of the hunted.

I believe crime can be reduced only if we have excellence. Short-circuiting the legal process results in sloppiness -- and worse. If we want to reduce crime, then we must always accumulate the entire body of evidence, go

into court with cases approaching as much perfection as possible, and then have prosecutions of a uniformly high standard.

And when there are failures, criminal justice officials, instead of looking for scapegoats, should realize that all too often there is nobody to blame but ourselves.

I think we can all agree that we have come a long way toward a full realization that fairness is an integral element in law enforcement. We have also greatly professionalized law enforcement in recent years. You are an example of that, the top of your profession.

But I am certain we can also all agree that we still have a long way to go in both areas.

In addition to all of the other qualities, both society and the criminal justice system also need a greater dedication to bring major, lasting reductions in crime. The cries for help are all around us, and they must be answered.

Thank you.